

COMMISSION DIRECTIVE

ADMINISTRATIVE MATTERS	<input type="checkbox"/>	DATE	<u>May 31, 2006</u>
MOTOR CARRIER MATTERS	<input checked="" type="checkbox"/>	DOCKET NO.	<u>1997-439-T</u>
UTILITIES MATTERS	<input type="checkbox"/>		<u></u>

SUBJECT:

Docket No. 1997-439-T – Application of John P. McClain d/b/a Island Moving & Storage for a Class E (Household Goods) Certificate of Public Convenience and Necessity (District 6) – Discuss with the Commission a Motion for Immediate Suspension of Certificate of Public Convenience and Necessity Filed by Jeffrey M. Nelson, Esquire, on Behalf of the Office of Regulatory Staff.

COMMISSION ACTION:

My motion is a consolidated motion to address the motions by the Office of Regulatory Staff seeking immediate suspension of the Certificates of Public Convenience and Necessity in Dockets No. 2001-149-T, 1997-439-T, 1998-264-T, 2001-154-T, and 2000-164-T. I move that the Commission deny each of the motions because I believe that a motion seeking to shut down a business based upon alleged violations of law should be supported by evidence rather than bare allegations, and that the respondents should be entitled to a hearing prior to such drastic relief being considered. It would be preferable for a motion for immediate suspension to be supported by a verified complaint, affidavits or other documentary evidence. If the Certificate Holders fail to respond or appear at the hearing, the Commission may grant the requested relief at the hearing.

PRESIDING Mitchell

	MOTION	YES	NO	OTHER		
					APPROVED	<input type="checkbox"/>
					ACCEPTED FOR FILING	<input type="checkbox"/>
CLYBURN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		DENIED	<input type="checkbox"/>
FLEMING	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		AMENDED	<input type="checkbox"/>
HAMILTON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		TRANSFERRED	<input type="checkbox"/>
HOWARD	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		SUSPENDED	<input type="checkbox"/>
MITCHELL	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		CANCELED	<input type="checkbox"/>
MOSELEY	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Absent	SET FOR HEARING	<input type="checkbox"/>
WRIGHT	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>		ADVISED	<input type="checkbox"/>
					CARRIED OVER	<input type="checkbox"/>
					RECORDED BY	<u>JBS</u>

Session: Regular

Time of Session 2:30 PM

Commissioner Moseley was on Sick Leave